

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PAUL SAMUEL JOHNSON,
Plaintiff,
v.
MELLISA MCKINNEY, et al.,
Defendants.

Case No.: 12-02924 CW (PR)
ORDER OF DISMISSAL WITHOUT
PREJUDICE

Plaintiff filed the present pro se civil rights action and an application seeking leave to proceed in forma pauperis (IFP) when he was incarcerated at the California State Prison - Solano. Thereafter, when Plaintiff informed the Court that he was going to be released, the Court directed him either to pay the filing fee or file a non-prisoner IFP application. Docket no. 7. Plaintiff was not released at that time; consequently, he filed a new prisoner IFP application. Docket no. 14. Subsequently, Plaintiff was released and no longer is incarcerated.

By Order dated December 4, 2012, the Court denied Plaintiff's request to proceed IFP and informed him that, because he has been released from custody, he now must apply to proceed IFP under the general provisions of 28 U.S.C. § 1915(a)(1) or he must pay the \$350.00 filing fee. The Court ordered Plaintiff to pay the fee or submit a completed non-prisoner IFP application no later than fourteen days from the date of the order. The Court informed Plaintiff that if he failed to comply with the order, the case would be dismissed without prejudice. The Clerk of the Court sent

1 Plaintiff a blank non-prisoner IFP application with the order.

2 More than fourteen days have passed since the Court's order
3 issued and Plaintiff has not complied with the order or otherwise
4 communicated with the Court.

5 Accordingly, this case is hereby DISMISSED without prejudice.

6 The Clerk shall enter judgment and close the file.

7 IT IS SO ORDERED.

8 Dated: 12/27/2012

A handwritten signature in blue ink, appearing to read 'Claudia Wilken', is written over a horizontal line.

CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE